

**HISTORIC LANDMARK COMMISSION MEETING MINUTES
1st FLOOR, CITY COUNCIL CHAMBERS
CITY HALL BUILDING, 300 N. CAMPBELL
SEPTEMBER 23, 2013
4:00 P.M.**



The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 1st Floor, City Hall Building, September 23, 2013, 4:00 p.m.

The following commissioners were present:

Chairman David Berchermann
Commissioner Beatriz Lucero
Commissioner Randy Brock
Commissioner Cesar Gomez
Commissioner John L. Moses

The following commissioners were not present:

Commissioner William C Helm II
Commissioner Edgar Lopez
Commissioner Ricardo Fernandez

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, City Development Department, Planning Division
Ms. Kristen Hamilton, Assistant City Attorney, City Attorney's Office

Chairman Berchermann called the meeting to order at 4:09 p.m., quorum present.

CHANGES TO THE AGENDA

None.

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None.

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II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **PHAP13-00023:** 2 Radford Terrace Lot 16 (6108.79 sq. ft.), City of El Paso, El Paso County, Texas
- Location: 4625 King Arthur Court
- Historic District: Austin Terrace
- Property Owner: Tracy Reyes
- Representative: Tracy Reyes
- Representative District: 2
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 1997
- Historic Status: Non-contributing
- Request: Certificate of Appropriateness for the enclosure of the front porch at the main façade after-the-fact.
- Application Filed: 09/09/13
- 45 Day Expiration: 10/24/13

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the enclosure of the front porch at the main façade *after-the-fact*. Although the property is non-contributing it is located within the Austin Terrace Historic District; therefore, must comply with the Guidelines.

STAFF RECOMMENDATION

The Historic Preservation Office recommends **DENIAL** of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *Porches are functional as well as decorative features that help to define the overall character of a building. Many buildings feature porches, which are one of the most common architectural features. A porch and all of its architectural elements should be maintained and repaired.*
- *Doors and windows are considered important character-defining features because of significant detailing.*

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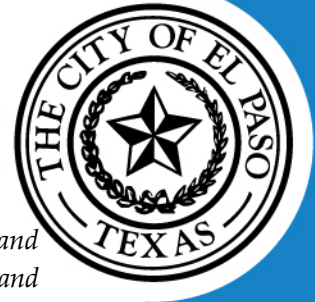
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- *Retain and preserve the pattern, arrangement, and dimensions of door and window openings on principal elevations. Often the placement of doors and windows is an indicator of a particular architectural style, and therefore contributes to the building's significance. Doors and windows for new construction and additions should be compatible in proportion, location, shape, pattern, size, and details in existing units.*
- *New construction should utilize doors and windows of compatible size, style, and material in an appropriate pattern so as not to detract from the historical significance of the existing building.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New additions, exterior alternations, or related new construction will not destroy historical materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

Ms. Velázquez noted her former assistance, Mr. Tony De La Cruz, met with the property owner last year and instructed the property owner that, prior to construction she must obtain a Certificate of Appropriateness. The property owner was conscious of the fact her property was located in a historic district; however, she neglected to follow proper procedure. Per the research documents, Ms. Velázquez noted the home was constructed in 1997 and Ms. Reyes is shown as the original property owner. Ms. Velázquez explained that this case was brought to her attention via Code Enforcement staff after having cited Ms. Reyes for construction without a permit.

Commissioner Lucero questioned what action(s) were necessary to ensure the porch will meet the requirements of the code.

Ms. Velázquez responded removal of the walls. She noted that neighboring properties with enclosed patios show a front door, a window, and a porch roof. The roof (as shown over the proposed enclosed patio) was not new construction. Ms. Velázquez clarified that the proposed enclosed patio is not complete due to the issuance of the "stop work order" by Code Enforcement staff.

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Ms. Tracy Reyes, property owner and Mr. Robert Sanchez, assisting Ms. Reyes, were present.

Chairman Berchelmann asked Mr. Sanchez to elaborate on the meeting he and Ms. Reyes had with Mr. De La Cruz last year.

It was late September, early October 2012, Mr. Sanchez explained, when Ms. Reyes considered building the three walls to keep the sun from heating her home in the summer. She then hired a contractor to construct the three walls; however, Mr. Morales, City of El Paso, Code Enforcement, noticed the new construction, without permit, and issued the *stop work order* on October 30, 2012 leaving the walls as you see them today. Shortly thereafter, Ms. Reyes and I met with Mr. De La Cruz to review the plans. At that time, Mr. De La Cruz explained that Ms. Reyes would have to appear before the Historic Landmark Commission. Additionally, Ms. Reyes would have to present her proposed plans to City Development Department, Building Permits & Inspections staff for review prior to the issuance of any permits.

Mr. Sanchez noted that Ms. Reyes had previously applied for and was issued a permit to replace the roof on her home. Ms. Reyes is aware that her property is located in a historic district; however, she did not think a permit was required to construct the open ended, three walled patio. Mr. Sanchez noted that Ms. Reyes did appear in court and had paid the required fine.

Ms. Hamilton provided legal advice regarding Code Enforcement Department staff authority, Municipal Court, and the issuance of permits. She emphasized that, pursuant to the code; the applicant is required to pay double the cost for the permit(s).

To complete the construction project, Chairman Berchelmann asked Mr. Sanchez, what was remaining.

Mr. Sanchez responded installation of the door in front, painting the walls eggshell color (*the original color of the home*), and filling in any cracks with stucco.

Chairman Berchelmann reiterated that historic district guidelines were written to maintain the integrity of the neighborhood.

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Commissioner Moses asked Mr. Sanchez if he had the architectural drawings of the proposed construction.

Mr. Sanchez responded yes, and then proceeded to comment on the drawings.

Chairman Berchermann asked Ms. Velázquez how the illegal construction could be modified to meet approval. Ms. Velázquez clarified that had she had the opportunity to review the plans prior to construction she would have recommended the front wall resemble the façade of the house with the installation of a door, window, and decorative parapet. The existing enclosure alters the façade, and is not in keeping with the surrounding properties, therefore, she would not have recommended approval.

Chairman Berchermann concurred with Ms. Velázquez; additionally, he suggested the property owner revise the plans to include those features as recommended.

Ms. Velázquez responded commissioners could make that recommendation, allowing the property owner time to revise her plans for the Commission to review at a later meeting.

Chairman Berchermann reiterated the importance of following proper procedure and requested that Ms. Reyes and Mr. Sanchez work with Ms. Velázquez to ensure the historical integrity of the historic district be maintained.

Ms. Velázquez stated commissioners must make a determination prior to the 45 day expiration date of October 24th.

MOTION:

Motion made by Chairman Berchermann, seconded by Commissioner Lucero AND UNANIMOUSLY CARRIED TO POSTPONE PHAP13-00023 TO THE NEXT REGULARLY SCHEDULED MEETING AND RECOMMEND THAT THE PROPERTY OWNER/REPRESENTATIVE MEET WITH THE HISTORIC PRESERVATION OFFICER IN THE INTERIM.

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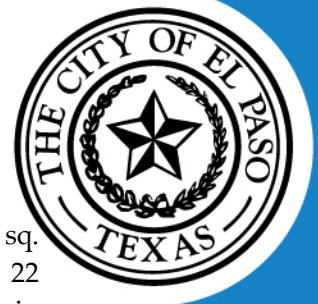
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2. **PHAP13-00024:** 16 Franklin Heights 23 & 24 & E 16 ft. of 22 (9240 sq. ft.), 16 Franklin Heights 17 to 21 & W 9 ft. of 22 (16348 sq. ft.), 2 Magoffin Homestead 1.521 Acres in NWC of blk., City of El Paso, El Paso County, Texas
- Location: 1101, 1117 and 1120 Magoffin Avenue
- Historic District: Magoffin
- Property Owner: Texas Historical Commission
- Representative: Leslie Bergloff
- Representative District: 8
- Existing Zoning: A-3/H (Apartments/Historic)
- Year Built: 1926
- Historic Status: Contributing, Non-Contributing, and N/A
- Request: Certificate of Appropriateness for the rehabilitation of the subject property including building alterations, construction of an access ramp, sign installation, fence installation, and landscaping.
- Application Filed: 09/09/13
- 45 Day Expiration: 10/24/13

Ms. Velázquez gave a presentation and noted the applicant sought approval for a Certificate of Appropriateness for the rehabilitation of the subject property including building alterations, construction of an access ramp, sign installation, fence installation, and landscaping. The Magoffin Home was constructed approximately 1875 and the future Visitor's Center was constructed in 1926; therefore, the properties have been labeled "Contributing, Non-Contributing and N/A."

The State of Texas purchased the property, located directly across the street from the Magoffin Home, to create the Magoffin Home Visitor's Center. This property has been altered significantly since it was originally constructed in 1926. The proposed construction is restorative (a very rare occurrence in El Paso) and the Texas Historical Commission will be restoring the property to look, as closely as possible, as it was originally constructed. Ms. Velázquez then explained, in detail, the proposed restorative aspects of the project.

However, at issue is the proposed signage for the Visitor's Center. Ms. Velázquez then elaborated on the three existing signs located at the Magoffin Home currently and noted that The Magoffin Historic District Design Guidelines allow for three types of signage:

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1. A sign of individual letters mounted on a non-decorative portion of the façade;
2. A small shingle sign; and/or
3. A freestanding sign that mimics, more or less, a light fixture with the sign on top.

STAFF RECOMMENDATION

The Historic Preservation Office recommends **APPROVAL WITH A MODIFICATION*** of the proposed scope of work based on the following recommendations:

The Magoffin Historic District Design Guidelines recommend the following:

- *If fencing is desired, it should be incorporated into the overall design. Construction of new fences and replacement of older existing fences should be of compatible materials, in order to complement the building. Brick, stone, and wrought-iron are generally acceptable materials but each case should be decided individually.*
- *If roofing is beyond repair, replacing materials should match the original as closely as possible. A roof and all roofing materials should be compatible with the structure.*
- *Windows should be repaired rather than replaced. If windows are damaged beyond repair, replacement windows should match the type, style, materials and finish of the original.*
- *The finish must be in character with the overall appearance of the structure and adequately complement its style.*
- *If existing doors are beyond repair, new ones shall be installed. New doors should match original materials and should also be similar in design.*
- *A porch and all of its architectural elements should be maintained and repaired. If elements must be replaced, materials should be the original construction.*
- *The exposed granite foundation of Victorian homes is an integral part of its architecture and should never be covered. The granite stone usually has a rustic finish which contrasts with the smooth brick walls it supports. Crawl space vents should be maintained and mortar joints re-pointed as necessary.*
- *If masonry is beyond repair, use similar materials that match the color, size and texture of the material being replaced.*
- *Beyond painting, keep in mind the relationship that buildings have to one another on a street. The color of one building can set the tone for an entire street and can either blend or clash with neighboring structures.*

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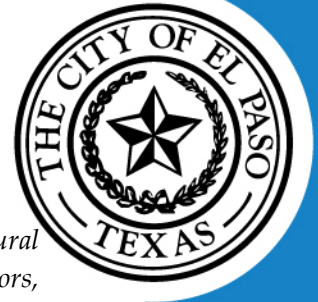
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- Signs should not hide or cover any significant detailing and/or architectural features of the building. On-premise signage should not cover windows, doors, or air vents. On-premise signs should be located in close proximity to the activity it is identifying. In most cases, the best location is usually above, on and/or near the front door.
- Signs should not exceed six feet in height.
- Signs constructed for landmark buildings or sites must be made of materials attributed to the era in which the building or site was constructed. Plastics are not permitted.
- For single tenant buildings there may be a maximum of one sign for each street frontage per landmark structure or site.
- Colors should complement the building and/or the surrounding area. Fluorescents should be avoided. Designs should be artistic, innovative, yet compatible with the building and/or the surrounding area. Lettering should not exceed 40% of the total area.
- Freestanding signs may be placed in the front yard no closer than 5 feet to the property line; the setback shall be 15 feet where the property line is located at the curb line. Signs shall be pedestrian oriented and should not detract from any historic landmarks. There must be 35 feet of spacing between freestanding signs.

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- Keeping the historic character of the landscaping creates a pedestrian-friendly environment and maintains continuity along the street frontage.
- Select appropriate paving materials for new walkways, including concrete, brick, and stone.
- Construct new driveways and walkways in locations that require a minimum of alteration to historic site features such as landscaping, retaining walls, curbs, and sidewalks.
- Construct fire exits, stairs, landings and ramps in such a manner that they do not damage historic materials and features. Construct them so that they can be removed in the future with minimal damage to the historic structure.

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

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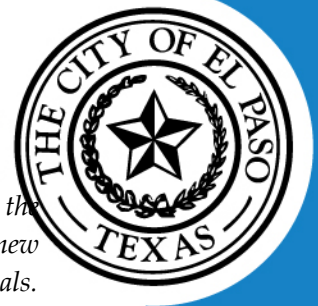
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- *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials.*

**The modification is that the new signage be designed so that it reflects better the architectural and historic character of the district.*

Chairman Berchermann asked if commissioners had any questions of staff.

Ms. Velázquez noted she would work with the Site Manager of the Magoffin Home, Ms. Leslie Bergloff, and the two of them would then decide the most appropriate signage.

Chairman Berchermann asked if anyone in the audience wished to comment on this request. *There was no response.*

Ms. Leslie Bergloff, Site Manager, Magoffin Home State Historic Site, Texas Historical Commission, stated there was much excitement regarding this project. She stated that, unfortunately, there are not many opportunities to restore a structure such as this one, which was originally constructed in 1902, to its original condition per the Secretary of Interior's Standards for Rehabilitation.

Ms. Bergloff realized that her signage proposal did not meet what may be approved by the Commission; however, the Texas Historical Commission is a state agency with twenty sites throughout Texas. Furthermore, the signage, as proposed by the Texas Historical Commission, has been used at every other site. Additionally, the Texas Historical Commission has asked that the Commission really consider approving the proposed signage due to:

1. The proposed signage has been used at the other twenty sites; and
2. The Texas Historical Commission is trying to have signage consistency with all twenty sites

Chairman Berchermann asked Ms. Bergloff if the Texas Historical Commission was willing to come to a compromise with Ms. Velázquez regarding signage.

Ms. Bergloff responded that the Texas Historical Commission did modify the signage for the previous project for the Magoffin Home. The current signage, as seen near to the front entrance of the Magoffin Home, is representative of the compromise reached with Ms. Velázquez. Ms. Bergloff clarified that the larger signage, to be located in the parking lot, which identifies the proposed for the Visitor's Center, is the remaining issue to be decided.

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Chairman Berchermann wondered, of the other twenty Texas Historical Commission sites, how many are located within historic districts.

Ms. Bergloff was unsure of the exact number but was aware of several sites located within historic districts.

Chairman Berchermann asked if commissioners had any questions and/or comments for the property owner/representative.

Commissioner Moses asked Ms. Velázquez if the only remaining decision was the signage for the parking lot.

Ms. Velázquez responded yes and noted that, per our records, the home was constructed in 1926.

Ms. Bergloff clarified that the proposed Visitor's Center structure was constructed in 1902. She then explained that she had looked all over El Paso for an original photograph of the home without any luck. She then traced the genealogy of the family and discovered that the home was originally owned by an early El Paso doctor, Dr. Augustus Justus. Ms. Bergloff, via the genealogy trace, had located a family in California she thought might be descendants of Dr. Justus. Later she sent letters in the hopes that this family was, in fact, descendants. As luck would have it, she received a response confirming that she had indeed contacted the doctor's descendants. From that correspondence Ms. Bergloff received, not only photographs of the home, but also photographs of the original inhabitants. She noted that construction should begin January 2014 and should be complete by the end of the year.

For commissioners, Ms. Velázquez clarified the locations for the signage in question and noted that the proposed signage does not quite fit within the Magoffin Historic District. Further information was provided to commissioners via backup documents. Ms. Velázquez explained that she would be agreeable if the proposed signage for the Visitor's Center looked similar to and was constructed of materials similar to the existing signage located in front of the Magoffin Home entrance.

Ms. Bergloff asked if commissioners could provide her with idea(s) with regard to color, material, size, etc., of signage that would be most acceptable.

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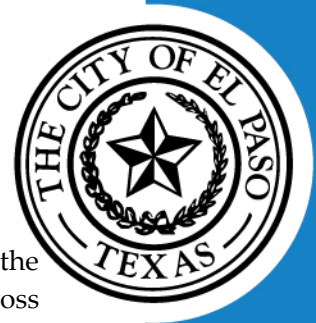
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Commissioner Gomez felt commissioners should definitely standardize the signage, being the existing Magoffin Home sign will be located directly across the street from the proposed Magoffin Home Visitor's Center signage.

Chairman Berchelmann concurred with Commissioner Gomez.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE, WITH THE MODIFICATION, AND THAT THE HISTORIC PRESERVATION OFFICER AND THE SITE MANAGER FOR THE MAGOFFIN HOME STATE HISTORIC SITE COME TO A COMPROMISE.

Following the vote, Ms. Bergloff thanked the commissioners for their support and welcomed commissioners to view the construction project and visit the Magoffin Home anytime.

3. Addresses of property HLC commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. September 23, 2013 deadline for HLC members to request for agenda items to be scheduled for the October 7, 2013 meeting. October 7, 2013 deadline for HLC members to request for agenda items to be scheduled for the October 21, 2013 meeting.

Chairman Berchelmann asked if commissioners had any addresses they would like staff to review or investigate. *There were none.*

HLC Staff Report

4. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda.

Chairman Berchelmann asked if commissioners had any comments and/or questions for staff. *There were none.*

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MOTION:

Motion made by Commissioner Lucero, seconded by Commissioner Moses AND UNANIMOUSLY CARRIED TO APPROVE THE ADMINISTRATIVE REVIEW STAFF REPORT.

Other Business

5. Approval of Regular Meeting Minutes for September 9, 2013.

Chairman Berchelmann asked commissioners if they had any additions/corrections/revisions. *There were none.*

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Gomez and UNANIMOUSLY CARRIED TO APPROVE THE REGULAR MEETING MINUTES FROM SEPTEMBER 9, 2013.

ABSTAIN: *Commissioner Moses*

6. Update on appeal of PHAP13-00020 (2801 Silver Avenue)

Ms. Velázquez stated the appeal was brought before the City Council for discussion and action at the September 17th City Council meeting. The City Council subsequently overturned the commission's decision and granted the appeal. Additionally, the property owners from the Manhattan Heights Historic District sent emails to City Council representatives and were represented at the City Council meeting requesting that the representatives uphold the Manhattan Heights Historic District Guidelines and procedures; however, Council representatives refused.

Chairman Berchelmann stated that when the process is not followed, and City Council representatives overturn the commissioners' decisions, it undermines the Historic Landmark Commission's authority.

Ms. Hamilton provided legal advice regarding Code Enforcement complaints and process, the Municipal Court process, the permitting process and subsequent associated fees and fines. However, City Council representatives did emphasize the importance of following the procedures, processes, and the Guidelines. Additionally City Council representatives spoke to the property owners regarding procedures the city may take in order to protect incidents, such as this, from occurring in historic districts.

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Chairman Berchelmann noted that it seems like more and more property owners are disregarding the historic district procedures, processes, and guidelines.

Ms. Velázquez concurred with Chairman Berchelmann and added that most of the violations have occurred in areas where property owners are aware their properties are located within historic districts.

Commissioner Gomez noted that he could not remember the last time when an appeal was brought to the City Council and that the Council had upheld the HLC's decision.

Ms. Hamilton reiterated that commissioners must continue to uphold the guidelines, the historic district guidelines and evaluate cases per the submitted plans/documents by the property owner/applicant. Furthermore, the Historic Landmark Commission is not *the punishing authority*.

Chairman Berchelmann concurred with Ms. Hamilton and added commissioners will continue to ensure applicants work with the Historic Preservation Officer, Ms. Velázquez, to find a comparable solution.

Commissioner Moses clarified that there are commissioners who are empathetic when cases are brought before the commission, even after-the-fact.

With this particular case, Chairman Berchelmann added that the property owners had not only come before the commission *after the fact* but the design was not in conformance with the historic district guidelines or neighborhood. Chairman Berchelmann clarified that this particular case is in the past; however, commissioners are focused on the now and the future and assisting property owners in learning about the procedures, processes, and the guidelines in order to maintain the integrity of the historic districts and neighborhoods.

Prior to adjourning the meeting, Commissioner Gomez informed commissioners and staff that the *Sunset Heights Tour of Homes* would be held *Saturday, October 5th from Noon to 4:00pm.*

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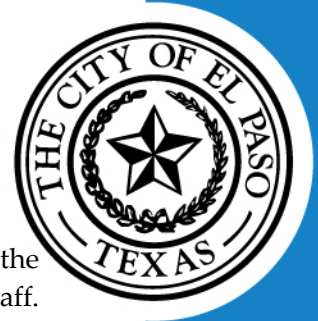
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Ms. Velázquez asked Commissioner Gomez to forward her, via email, the information and she would send that information to commissioners and staff.

MOTION:

Motion made by Chairman Berchemmann, seconded by Commissioner Lucero AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:08 P.M.

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